

CHAPTER 2

ANIMALS

See also: Domestic and Wild Animals, Chapter 27, §1219)

PART 1

DOGS AND CATS RUNNING AT LARGE

- §2-101. Definitions**
- §2-102. Unlawful to Allow Cats and Dogs to Run at Large**
- §2-103. Seizing of Cats and Dogs**
- §2-104. Licensed Dogs**
- §2-105. Unlicensed Dogs**
- §2-106. Threatening Dogs**
- §2-107. Penalty**

PART 2

NOISY ANIMALS

- §2-201. Intent and Purpose**
- §2-202. Noise Disturbance**
- §2-203. Exceptions**
- §2-204. Penalties**

PART 3

ANIMAL EXCREMENT

- §2-301. Animal Defecation on Public and Private Property Restricted**
- §2-302. Disposal of Animal Feces**
- §2-303. Dogs Accompanying Blind or Handicapped Persons Exempted**
- §2-304. Penalties**

PART 4

ANIMAL MAINTENANCE

- §2-401. Definitions**
- §2-402. Certain Animals Prohibited**
- §2-403. Keeping of Animals Regulated**
- §2-404. Household Pets**

ANIMALS

§2-405. Violation of State Law

§2-406. Penalties

PART 1

DOGS AND CATS RUNNING AT LARGE

§2-101. Definitions.

As used in this Part, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER — any person having a right of property in any cat or dog or having custody of any cat or dog, or any person who harbors or permits a cat or dog to remain on or around his or her property.

RUN AT LARGE OR RUNNING AT LARGE — Dogs or cats are "running at large" when the animal is in any public street, alley, park or other public grounds, or upon property of another person other than the owner, or when off the premises of the owner or person who has custody of said dog or cat and not constrained or secured with a leash, rope or chain.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

§2-102. Unlawful to Allow Cats and Dogs to Run at Large.

It shall be unlawful for the owner of any cat or dog or dogs to allow or permit such cat or dog to run at large in the Borough of Wormleysburg.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

§2-103. Seizing of Cats and Dogs.

Any police officer may seize any cat or dog found at large in the Borough of Wormleysburg. Such cat or dog is to be impounded.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

§2-104. Licensed Dogs.

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt that the dog is impounded and will be disposed of in 5 days, if not claimed. Five days after the receipt of the registered or certified mail (as evidenced by the return receipt), and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

ANIMALS

§2-105. Unlicensed Dogs.

Unlicensed dogs that are seized are to be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

§2-106. Threatening Dogs.

Dogs that, in the opinion of any police officer or dog warden, constitutes a threat to public health and welfare may be destroyed by the police or dog warden.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

§2-107. Penalty.

1. The first two times a dog or cat is seized, the owner shall pay a fine of \$15 to the Borough as well as the cost, if any, for keeping the animal in a kennel or other impoundment.
2. Any person allowing a cat or dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(Ord. 361, 4/8/1986, as amended by Ord. 369, 12/8/1987, §1)

PART 2

NOISY ANIMALS

§2-201. Intent and Purpose.

The Borough Council of the Borough of Wormleysburg, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefor a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough.

(Ord. 361, 4/8/1986)

§2-202. Noise Disturbance.

It shall be illegal within the Borough of Wormleysburg for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

(Ord. 361, 4/8/1986)

§2-203. Exceptions.

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by Act No. 1982-133.

(Ord. 361, 4/8/1986)

§2-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 90 days.

(Ord. 361, 4/8/1986)



4

PART 3

ANIMAL EXCREMENT

§2-301. Animal Defecation on Public and Private Property Restricted.

No person, having possession, custody or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Wormleysburg, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

(Ord. 361, 4/8/1986)

§2-302. Disposal of Animal Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §2-301 shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 361, 4/8/1986)

§2-303. Dogs Accompanying Blind or Handicapped Persons Exempted.

The provisions of §§2-301 and 2-302 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

(Ord. 361, 4/8/1986)

§2-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, or to imprisonment for a term not to exceed 90 days.

(Ord. 361, 4/8/1986)

PART 4

ANIMAL MAINTENANCE

§2-401. Definitions.

1. As used in this Part, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL — any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL — any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

HOUSEHOLD PET — an animal kept for companionship and enjoyment to include dogs, cats, birds, fish and lizards, but does not include an animal kept for economic reasons.

LARGE ANIMAL — any wild or domestic animal of the bovine, equine or sheep family.

PERSON — any person, firm, partnership, association or corporation.

SMALL ANIMAL — any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck or pigeon (excepting homing pigeons).

WILD ANIMAL — any animal, including bird, fowl or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

2. In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 361, 4/8/1986; as amended by Ord. 476, 10/14/2008, §1)

§2-402. Certain Animals Prohibited.

It shall be unlawful for any person to keep a large animal or a wild animal at any place within the Borough of Wormleysburg.

(Ord. 361, 4/8/1986; as amended by Ord. 476, 10/14/2008, §1)

ANIMALS

§2-403. Keeping of Animals Regulated.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this Section:

- A. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animals' health and adequate sanitary drainage facilities shall be provided.
- B. Every keeper of any animal shall cause the litter and droppings therefrom to be collected at least weekly in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least weekly, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
- C. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

(Ord. 361, 4/8/1986; as amended by Ord. 476, 10/14/2008, §1)

§2-404. Household Pets.

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

- A. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created. No more than six household pets shall be kept in a dwelling or upon real estate owned or occupied by the owner of the household pets.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-403 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(Ord. 361, 4/8/1986)

§2-405. Violation of State Law.

Any violation of this Part that would also violate any state law shall be prosecuted under that state law and not under this Part.

(Ord. 361, 4/8/1986)

§2-406. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 361, 4/8/1986)

